2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Main Committee III

Summary record of the 1st meeting
Held at Headquarters, New York, on Monday, 10 May 2010, at 3 p.m.

Chairman: Mr. Nakane ..... (Japan)

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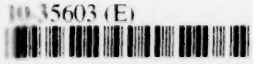

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The meeting was called to order at 3.10 p.m.

Organization of work

1. **The Chairman** said that Main Committee III had the task of dealing with agenda items 16 (d) and (e) and 17 (NPT/CONF.2010/1). In addition, the plenary Committee had established a subsidiary body which would focus on item 16 (e). He drew attention to the draft programme of work for the Committee and its subsidiary body, contained in document NPT/CONF.2010/MC.III/INF.1.

2. *The programme of work was adopted.*

3. **Mr. Cancela** (Uruguay), Chairman of Subsidiary Body III, said that the subsidiary body would discuss provisions of the Treaty on the Non-Proliferation of Nuclear Weapons that were not addressed by Main Committees I and II or their subsidiary bodies. Its objective was to prepare a consensus text for inclusion in the report of Main Committee III to the Conference. Open, transparent and inclusive consultations would be held in order to determine which topics were worthy of consideration.

General exchange of views

4. **Mr. Abdelaziz** (Egypt), speaking on behalf of the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, noted that the wording of agenda item 16 made it clear that Main Committee III should not only review the Treaty but also take into account the decisions and resolutions agreed upon at the 1995 and 2000 Review Conferences. The Group intended to work with the Committee to agree on a strong and coherent outcome. To that end, he drew attention to the Group's comprehensive working paper (NPT/CONF.2010/WP.46) and, in particular, to the specific proposals contained in the paragraphs relating to the peaceful uses of nuclear energy.

5. **Ms. Lacanlale** (Philippines) said that all States parties to the Treaty had a right under article IV to develop research, production and use of nuclear energy for peaceful purposes without discrimination. The technical cooperation programme of the International Atomic Energy Agency (IAEA) was the primary mechanism for implementation of that article. Her delegation therefore welcomed the announcement by the United States of America of an additional commitment of US$ 50 million over the following five years towards a new IAEA peaceful uses initiative. Her delegation encouraged other States to make further contributions, and supported working paper 13 (NPT/CONF.2010/WP.13) submitted by Japan, which stressed the importance of nuclear knowledge sharing and the transfer of nuclear technology to developing countries.

6. Her delegation supported strengthening of the IAEA safeguards and verification regime in order to ensure States' compliance with their non-proliferation obligations. Nuclear security was vital and was the primary responsibility of States. At the same time, her country appreciated the value of regional networks and initiatives, which complemented the work of IAEA. The Philippines was considering the development of nuclear power, and was taking legislative action to ratify the Amendment to the Convention on the Physical Protection of Nuclear Material. Although notable progress had been made in improving nuclear security, the use of nuclear power still met with widespread scepticism. Further efforts were needed in order to strengthen the security regime and raise awareness. The Philippines also recognized the importance of accession to the Joint Convention on the Safety of Spent Fuel Management.

7. The Philippines supported a multilateral approach to the nuclear fuel cycle, with a central role for IAEA. Such an arrangement would provide options in order to service nuclear facilities, while also strengthening the non-proliferation regime. The consultation process should continue in order to address outstanding concerns. The resulting mechanisms should ensure equal access to nuclear fuels, and guarantee that no State or group of States gained a monopoly over the process. Most of the proposals submitted thus far related to the front end of the fuel cycle. However, the issues of spent fuel management and the proper storage and disposal of nuclear and radioactive waste should also be addressed.

8. **Mr. Kruse** (Australia) said that as the world's third largest producer of uranium, his country took seriously its obligation under article IV to facilitate exchanges for the peaceful uses of nuclear energy. Australia was one of the main contributors to the IAEA Technical Cooperation Fund, and also made significant extrabudgetary contributions to the Regional Co-Operative Agreement for Research, Development and Training Related to Nuclear Science and Technology for Asia and the Pacific. He welcomed the

announcement by the United States Secretary of State that her country would make an additional contribution of $50 million to the IAEA programmes for peaceful uses. The right to peaceful uses enshrined in article IV of the Treaty was clearly linked to the non-proliferation provisions of articles I and II, and it should be exercised in a framework that reduced proliferation risk and adhered to the highest international standards for safeguards, security and safety.

9. Not all States with nuclear programmes needed to have uranium enrichment facilities and proliferation of fuel-cycle facilities would pose serious security risks. A multilateral approach to the fuel cycle with a well-functioning market was the best assurance of adequate supply. The comprehensive safeguards agreement together with the Additional Protocol should be recognized as the verification standard for non-nuclear-weapon States. He hoped that the Conference would reach an understanding on appropriate international responses to withdrawal from the Treaty.

10. His country and Japan had submitted a new package of practical nuclear disarmament and non-proliferation measures to the Conference as working paper 9, which, inter alia, reaffirmed the right of all States parties to the Treaty to the use of nuclear energy for peaceful purposes, supported the work being done by IAEA to provide assistance to States for such use and urged States planning to build nuclear reactors to become parties to the relevant international instruments on nuclear safety. His delegation hoped to see the elements of that working paper reflected in the Committee's report to the Conference.

11. **Mr. Gumbi** (South Africa) said that peaceful nuclear cooperation and access to the benefits of the peaceful uses of nuclear energy were integral components of the Treaty. Scientific exchange was of particular importance to his country and others in Africa that were exploring ways of diversifying their energy sources. As the use of nuclear energy became more prevalent, the activities of IAEA in implementation of its mandate to enlarge the contribution of atomic energy to peace, health and prosperity throughout the world would become increasingly important, notably in accelerating development and reducing poverty in Africa, and in that regard he welcomed the announcement by the United States that it would increase its contribution to IAEA for such activities. It was time to include the IAEA Technical Cooperation Programme under the Agency's regular budget in order to ensure predictable funding and, in general, to treat peaceful uses of nuclear technology on an equal footing with the Treaty's other objectives.

12. **Mr. Abdelaziz** (Egypt) said that, given the continuing impact of the energy crisis and global warming, the use of nuclear energy for both power and applications in health, food, agriculture and water resource management would increase. It was vital for the Conference to take steps to protect the right to peaceful uses of nuclear energy and, in particular, to strengthen and fully fund IAEA technical cooperation activities. The Conference was not the appropriate forum for technical discussions related to safety, security, transport or liability.

13. The 2000 Review Conference had recognized that protection of the right to peaceful uses of nuclear energy was a fundamental objective of the Treaty and that in pursuit of that objective preferential treatment should be given to the non-nuclear-weapon States parties to the Treaty, taking the needs of developing countries, in particular, into account. He expressed concern that talk of multilateral approaches to the fuel cycle would lead to curtailment of the sovereign right of States to develop a full nuclear fuel cycle. Such concerns were compounded by the fact that conditions for technical cooperation imposed on States parties were disregarded when entering into agreements with States that were not parties, in effect rewarding States for remaining outside the Treaty. Similarly, in some quarters there was a tendency to view withdrawal from the Treaty as more of a threat to international peace and security than non-adherence, when, in fact, the reverse was true. It was no coincidence that calls to restrict the right to withdraw were coming from the same sources as the practice of selective imposition of preconditions for technical cooperation.

14. **Ms. Mangin** (France) said that nuclear energy was becoming an increasingly attractive alternative in a world where the price of fossil fuels was on the rise and their cost to the environment becoming increasingly evident. Developing countries were eager to take advantage of the potential contribution of nuclear energy to development, and countries with uranium reserves were eager to exploit them. It was urgent for the international community to facilitate that process while limiting risks.

15. As a country that obtained 80 per cent of its electricity from nuclear power, France felt keenly its obligation to share its considerable expertise in managing the nuclear fuel cycle with the rest of the world. In cooperation with IAEA and with the support of the Organization for Economic Cooperation and Development, it had hosted an International Conference on Access to Civil Nuclear Energy in Paris in March 2010 that had been attended by 63 States, as well as various international organizations and private companies.

16. Increased use of nuclear energy presented many challenges, including preventing illegal trafficking, managing radioactive waste, protecting the environment, and financing training and development. Those challenges would have to be managed by a new nuclear regime administered by a strengthened IAEA. The right to peaceful uses of nuclear energy enshrined in article IV was conditional on a commitment to non-proliferation and the maintenance of the highest standards of safety and security. Such conditions did not make the right to peaceful uses of nuclear energy any less inalienable; on the contrary, ensuring responsible exercise of that right would help to preserve and strengthen it. Her country was as firm in its support of the right to peaceful uses of nuclear energy for countries that complied with international safeguards as it was in its opposition to nuclear cooperation with any country that flouted them. It encouraged the countries with which it cooperated bilaterally to sign the Additional Protocol alongside a comprehensive safeguards agreement.

17. Properly trained human resources were critical to all aspects of nuclear power. She urged international financial institutions such as the World Bank and the European Bank for Reconstruction and Development to fund nuclear power as a completely non-carbon energy source. France supported the establishment of a European Nuclear Safety Training and Tutoring Institute and the creation of an international network of nuclear safety experts to conduct independent evaluations of nuclear power plants under IAEA auspices. It also supported the establishment of an international bank of low-enriched uranium to ensure against interruptions in fuel supply. While opposed to measures that barred countries from access to fuel-cycle technologies, it recognized the proliferation risks associated with such technologies, and, pending further decisions from the Nuclear Suppliers Group, would continue to maintain policies in line with the Statement on Non-Proliferation adopted by the Group of Eight Summit at L'Aquila. Her country employed a closed cycle that recycled a maximum amount of uranium and minimized waste, and would be happy to put its reprocessing facilities at the disposal of other States.

18. She commended the Director General of IAEA for his focus on nuclear applications in health, agriculture and resource management. The Conference offered an opportunity to create a new "nuclear solidarity" that struck the right balance between development of peaceful uses of nuclear energy and responsible non-proliferation policies.

19. **Mr. Komizo** (Japan) said that as a country with few natural resources, Japan had embraced nuclear power early, and approximately 30 per cent of its electricity was supplied by nuclear power plants. It had signed a comprehensive safeguards agreement and the Additional Protocol, ratified relevant international instruments, and enacted appropriate national legislation. It was a supporter of international cooperation on nuclear energy and was happy to share its expertise with a view to helping other countries create a "3S" infrastructure of safeguards, safety and security. As a country prone to earthquakes, Japan took particular interest in the seismic safety of nuclear power plants. It would also engage in confidence-building dialogue with coastal States to reassure them of the safety of transport of nuclear materials. It fully endorsed the communiqué and workplan adopted at the Washington Nuclear Security Summit. He hoped that a consensus could be forged from the wide range of views being expressed on the nuclear fuel cycle.

20. One of the Treaty's main goals was promotion of peaceful uses of nuclear energy not only for electric power but also for applications in health, agriculture and industry. His country had submitted a working paper on strengthening the technical cooperation activities of the International Atomic Energy Agency which stressed the importance of nuclear knowledge-sharing and the transfer of nuclear technology to developing countries. In that regard, his country welcomed the IAEA Director General's cancer therapy initiative. His country had a 100 per cent rate of attainment in its contributions to the IAEA Technical Cooperation Fund and encouraged other States to pay their respective shares.

21. The withdrawal issue needed to be addressed seriously by the Conference's subsidiary bodies, but it should not be necessary to amend article X. As a country that had benefited greatly from nuclear energy, Japan stressed that peaceful uses of nuclear energy should conform to the highest standards of safety, security and transparency, and reaffirmed the role of IAEA in that regard.

22. **Mr. Parnohadiningrat** (Indonesia) said that like other developing countries, Indonesia took great interest in the potential contribution of nuclear energy to development. The right to use nuclear energy for peaceful purposes was a fundamental component of the "grand bargain" of the Treaty, and care should be taken to ensure that additional tasks given to IAEA did not interfere with the Agency's statutory mandate of promoting nuclear technology for peaceful use. He welcomed the reiterated commitment of the Director General of IAEA to more predictable funding for technical cooperation and was pleased to announce that his country would join in sponsoring the working paper on strengthening IAEA technical cooperation activities submitted to the Conference by Japan.

23. The more widely nuclear technology was disseminated, the greater the risk that it would be put to uses that violated the Treaty. Multilateralization of the fuel cycle was one possible solution to that problem, provided that supplies were assured and accession to the Treaty was a condition of access. Export controls could also reduce the risk of proliferation, as long as they were non-discriminatory and took care not to restrict materials intended for humanitarian purposes. The Technical Cooperation Programme of IAEA should be the main vehicle for the transfer of nuclear technology for peaceful purposes, and that Agency should not be politicized in any way. He looked forward to discussion of proposals designed to deter States parties from withdrawing and to encourage all States planning to build nuclear reactors to take the necessary domestic measures to become parties to the relevant international instruments.

24. **Mr. Mourão** (Brazil) said that his country rejected the view that the international community did not have adequate tools at its disposal to confront proliferation. Nuclear energy was an indispensable component of development and an increasingly desirable alternative to fossil fuels. The inalienable right to nuclear energy for peaceful purposes predated the Treaty and should remain sacrosanct. Multilateral approaches to the fuel cycle should not impinge on that right or hinder the normal functioning of the international market for nuclear goods and services. While international cooperation was important, no country should be asked to depend on the goodwill of other countries for access to the benefits of nuclear technology. His country had been among several that had on occasion been denied access to nuclear goods and services to which they were contractually entitled.

25. In addition to reaffirming the right of States to peaceful uses of nuclear energy and recognizing the legitimacy of peaceful nuclear programmes, the Conference should focus on universalizing the Treaty, strengthening IAEA safeguards and supporting the development of proliferation-resistant technologies. Instead of perpetuating the division between nuclear "haves" and "have nots", the Conference should act to ensure both the protection of rights and the fulfilment of obligations provided for by the Treaty.

26. **Mr. Grinius** (Canada) said that his country had dozens of nuclear cooperation agreements with dozens of countries, and was willing to extend cooperation to any partners that met its non-proliferation requirements. Ensuring that peaceful use of nuclear technology would not lead to proliferation of nuclear weapons was crucial for sustaining confidence in the Treaty.

27. The Committee should recommend that the Conference take action to ensure that the balance between rights and responsibilities enshrined in the Treaty was protected and practically implementable; stress that compliance with the Treaty's non-proliferation and verification requirements was the essential basis for peaceful nuclear cooperation; and recommend that IAEA continue to play its essential role in providing technical cooperation to developing countries. The IAEA Technical Cooperation Programme should be transparent, accountable and results-oriented. As current President of the Group of Eight, his country noted that the members of that Group stood ready to provide the technical assistance necessary for States to fulfil safeguards and safety and security requirements, and benefit from nuclear applications in the areas of power, health and food security. Canada had been contributing to IAEA Major Programmes since the Agency's inception and supported, inter alia, its Milestones in the Development of a National Infrastructure for Nuclear Power.

28. He welcomed the November 2009 decision by the IAEA Board of Governors to establish a low-enriched uranium reserve in Russia, as well as other proposals to establish multilateral approaches to the fuel cycle that would assure supply of fuel and services. The Conference should acknowledge the value of multilateral approaches to the fuel cycle that could offer additional confidence in supply beyond that provided by the market and eliminate the need for States to invest in costly and complex fuel-cycle technologies. The Conference should also address potential abuses of the Treaty's withdrawal provision. He drew attention to working papers submitted by the Vienna Group of 10, which contained specific recommendations related to peaceful uses, export controls, physical protection and other issues of relevance to the work of the Committee.

29. **Mr. Aguirre de Cárcer** (Spain), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Georgia, Iceland, Liechtenstein, the Republic of Moldova and Ukraine, said that every State had the right to determine its own energy strategy and to develop research, production and use of nuclear energy for peaceful purposes without discrimination. The European Union would continue its efficient and effective support of IAEA. It supported plans to modernize the Agency's Safeguards Analytical Laboratory and was preparing a significant financial contribution to its work. A growing number of States parties to the Treaty were considering developing civil nuclear programmes. The European Union would work to promote such endeavours while ensuring that nuclear technologies were not used for military purposes.

30. The Council of Ministers of the European Union believed that Main Committee III should focus on broadening acceptance and support for the responsible development of the peaceful uses of nuclear energy in the best safety, security and non-proliferation conditions, and for multilateral approaches to the nuclear-fuel cycle (NPT/CONF.2010/WP.31). He also drew attention to the proposals contained in the document NPT/CONF.2010/WP.26, and in particular paragraph 6. Those proposals could be included in a plan of action to be adopted by the Conference.

31. The European Union had developed one of the world's leading nuclear industries on the basis of the standards set forth in the Treaty establishing the European Atomic Energy Community (EURATOM Treaty). The European Union would continue to ensure that the effective verification of such programmes did not hinder the responsible use of nuclear energy. The European Union recognized the need to support States interested in developing a nuclear power programme by helping to provide training and establish the necessary regulatory, administrative and human environment. It noted with interest the convening in Paris on 8 and 9 March 2010 of the International Conference on Access to Civil Nuclear Energy, which had allowed a fruitful exchange of experiences.

32. The European Union made substantial voluntary contributions to the Technical Cooperation Fund of IAEA, and promoted the latter's nuclear security projects through such mechanisms as the Instrument for Nuclear Safety Cooperation, and through bilateral cooperation with States. The European Union was the largest contributor to the Agency's Nuclear Security Fund. Over €20 million had been invested to improve nuclear security in third States. He called on the States parties to the Convention on the Physical Protection of Nuclear Material to ratify the Amendment as soon as possible.

33. Where it was technically and economically viable to do so, States should minimize the use of highly enriched uranium in peaceful nuclear activities. Multilateral approaches to the nuclear fuel cycle had much to offer. They would complement the existing market without distorting it, thereby providing nuclear fuel supply security for States developing peaceful nuclear programmes.

34. Initiatives such as the establishment of a low-enriched uranium bank under the control of IAEA could facilitate long-term multilateral solutions. The European Union was prepared to contribute up to €25 million for the establishment of an IAEA nuclear fuel bank, once the modalities had been defined and approved by the Agency's Board of Governors. The European Union welcomed the agreement between the Russian Federation and IAEA for the creation of a low-enriched uranium reserve. Several States members of the European Union had put forward similar proposals. The Director General of the Agency had launched valuable initiatives regarding the medical uses of

nuclear energy in developing countries with the objective of promoting economic development.

35. **Mr. Kruse** (Australia), speaking on behalf of the Vienna Group of 10, said that the Group affirmed the right of all States parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination, as long as they fulfilled non-proliferation, safety and security responsibilities. It had submitted working papers on peaceful uses of nuclear energy, nuclear safety, the nuclear fuel cycle and physical protection of nuclear material, each of which contained language carefully crafted to facilitate consensus. It had also submitted a working paper proposing specific elements it wished to see included in any action plan adopted by the Conference.

36. **Mr. Stratford** (United States of America) said that as the Treaty entered its fifth decade, the Conference provided an opportunity to review progress in the peaceful use of nuclear energy. Under article IV, States had the right to use nuclear energy for peaceful purposes as long as they fulfilled their non-proliferation responsibilities. Because uranium enrichment and spent fuel reprocessing could be diverted for military purposes, IAEA had categorized them as sensitive technological areas. Fortunately, States did not need to invest in costly and complex fuel cycle technologies, because the market was capable of ensuring adequate nuclear fuel for civilian uses, and international nuclear fuel banks could provide added assurance of supply.

37. His country had been a pioneer in civilian nuclear cooperation. From the inception of its Atoms for Peace programme in 1953, it had worked with partners around the world on peaceful uses of nuclear energy. It was the single largest contributor to IAEA programmes to develop nuclear applications in health, agriculture and water management, providing over 25 per cent of both the Agency's regular budget and its Technical Cooperation Fund. In her speech at the Conference's opening session, his country's Secretary of State had announced an additional contribution of $50 million over the next five years. Interest in the use of nuclear energy to generate power had increased dramatically in the five years since the previous review conference and was projected by IAEA to more than double by 2030. The United States was a major supporter of the Agency's efforts to guide that expansion based on clear milestones. It also had bilateral cooperation arrangements with over 40 countries.

38. The Treaty's three pillars were mutually reinforcing, and no one of them should be allowed to undermine any of the others. The United States would remain committed to addressing proliferation risks so that no State party would be hindered in its pursuit of peaceful uses.

39. **Mr. Kafando** (Burkina Faso) said that because future access to fossil fuels was uncertain, a growing number of States were seeking to develop nuclear energy. Nuclear technologies could make an essential contribution to agriculture, health and environmental protection. All States parties to the Treaty had an inalienable right to use nuclear energy for peaceful purposes. However, that right was conditional on compliance with non-proliferation obligations and IAEA safeguards. Non-proliferation and the peaceful uses of nuclear technology were therefore mutually reinforcing.

40. Burkina Faso attached great importance to the right to the peaceful use of nuclear energy and believed that the Agency had sole responsibility for promoting that right. States that were in compliance with their obligations should not be hampered in the exercise of their rights. His country welcomed the leadership of IAEA and believed that it should receive the necessary resources for the fulfilment of its mandate.

41. **Mr. García López-Trigo** (Cuba) said that it was vital to maintain a balance between the three pillars of the Treaty. All States had the right under article IV of the Treaty to develop use and production of nuclear energy for peaceful purposes. The Final Document of the 2000 Review Conference had stated that each country's choices and decisions in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements. The 2010 Review Conference should reaffirm that principle.

42. Cuba attached particular importance to the technical cooperation programmes of IAEA and had been cooperating with the Agency since 1977. However, the Agency had experienced difficulties in obtaining the necessary equipment for its projects with Cuba. Because of the unilateral and unjust embargo imposed by the United States against Cuba, United States companies or companies in which United States investors had a stake could not sell equipment to Cuba.

That situation hampered Cuba's peaceful nuclear programmes; for instance, equipment had to be bought from remote locations.

43. In accordance with the Statute of IAEA, technical cooperation programmes should not be subject to any political conditions. Cuba was concerned at attempts to introduce conditionalities for the full exercise of the right enshrined in article IV, for instance by establishing an obligation to ratify an additional protocol. Such obstacles contravened the letter and spirit of the Treaty, and hampered the Agency in the fulfilment of its mandate. Any attempt to use the Agency as a political tool must be rejected. Agreements for the monitoring of transfers must be transparent, non-discriminatory and open to all States. The Review Conference should establish a mechanism, such as a permanent committee meeting between review conferences, in order to address any specific cases in which transfers of nuclear materials for peaceful purposes were blocked.

44. Cuba had taken note of the various proposals regarding multilateral approaches to the nuclear fuel cycle. The issue was a complex and multifaceted one, and had wide-ranging technical, legal, political and economic implications. It therefore required cautious and thorough consideration and comprehensive and transparent negotiations. Discussion of the matter should be based on the idea that the provision of nuclear fuel must not under any circumstances become the monopoly of a small number of States, much less an additional mechanism for political pressure. Proposals on the topic should be consistent with the Statute of IAEA and should not prejudice the fundamental right enshrined in article IV of the Treaty. Any decision should be adopted by consensus and with the participation of all States.

45. Any attack or threat of attack against civil nuclear facilities, whether active or under construction, posed a danger for humanity and the environment and violated the Charter of the United Nations and the Statute of IAEA. A comprehensive instrument should be adopted on the basis of multilateral negotiations in order to prohibit such actions.

46. **Mr. Enkhsaikhan** (Mongolia) said that nuclear energy could help to meet energy needs, improve health care, protect the environment, foster agricultural development and improve the management of water resources, thereby promoting sustainable development and the realization of the Millennium Development Goals. The Conference should reaffirm the right of all parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination. It should be clearly underlined that nuclear energy meant both power and other applications.

47. Over 60 countries were considering developing nuclear industry, in particular through the construction of nuclear power stations. While fully supporting the inalienable right enshrined in article IV of the Treaty, his delegation believed that compliance with the non-proliferation and verification requirements of the Treaty was essential for effective and fruitful cooperation. Mongolia had recently decided to build a nuclear power station and to develop its uranium resources in full compliance with nuclear safety and security standards. All States should place their nuclear activities and materials under IAEA safeguards in order to maintain confidence in their peaceful character. In the same way, nuclear-weapon States should allow further access to IAEA inspections in order to ensure compliance with accepted norms and standards.

48. Mongolia was now taking action to accede to international conventions on nuclear safety and was examining the conventions on nuclear liability. Although safety was the primary responsibility of States, international cooperation was vital for the exchange of information and experience. His delegation therefore welcomed the outcome of the summit on nuclear security held in Washington in April 2010.

49. Mongolia welcomed the initiative of the IAEA Commission on Safety Standards to review and improve the overall structure of IAEA safety standards. Strengthening the role of the Agency meant, inter alia, enhancing its effectiveness and transparency, and increasing its resources for technical cooperation activities in a sufficient, assured and predictable manner.

50. The agreement between the Agency and the Russian Federation for the establishment of a low-enriched uranium reserve was a first step in addressing the issue. Numerous other proposals had been submitted. His delegation believed that the question should be examined comprehensively, and that any attempt to prevent fuel transfers on political grounds should be rejected.

51. **Mr. van den IJssel** (Netherlands) said that at a time of nuclear renaissance, the right to the peaceful use of nuclear energy was essential, as were the corresponding responsibilities. As a country with enrichment capacities, the Netherlands took a particular interest in the development of multilateral approaches to the nuclear fuel cycle. Such mechanisms would allow the nuclear fuel market to expand while minimizing proliferation risks. His country welcomed the agreement between IAEA and the Russian Federation for the establishment of a low-enriched uranium reserve. The international discussion on such multilateral approaches had yet to yield tangible results. His country hoped that the Conference would endorse a process for multilateral nuclear fuel assurances.

52. The Agency played a fundamental role in helping States to exercise their rights and comply with their obligations under article IV of the Treaty. The Netherlands strongly supported the Agency's technical cooperation programmes, in particular those that contributed to realizing the Millennium Development Goals and supporting the least developed countries. That assistance should be provided under the best safety and security conditions. It was vital that IAEA should be adequately funded. The Netherlands would continue to make contributions, and called on the Conference to look at ways to ensure the best use of available funds.

53. **Mr. Valero Briceño** (Bolivarian Republic of Venezuela) said that one of the most pressing contemporary challenges was to secure clean energy resources in order to fulfil basic needs. Over 60 developing States had requested IAEA assistance in order to gain access to nuclear energy, which could help to counter climate change and promote economic and social development. However, certain nuclear States applied the provisions of the Treaty selectively and placed restrictions on technical cooperation that would allow the development of nuclear energy for peaceful purposes. His country rejected any attempt to hamper that legitimate right. It was a cause of concern that certain States tended towards making technical cooperation conditional on the fulfilment of obligations over and above those set forth in IAEA safeguards agreements. Any attempt to hamper the peaceful use of nuclear technology reinterpreted and delegitimized the Treaty.

54. The Conference should therefore reaffirm the right of States to the development and use of nuclear energy for peaceful purposes. It should recognize the importance of nuclear energy in improving living standards and emphasize the technical nature of the Agency's work. Any attempt to restrict technical cooperation on political grounds was incompatible with the Treaty and the Statute of IAEA, and should be rejected. If the Conference failed to promote confidence in the international system, the credibility of the nuclear security regime would be undermined.

55. **Mr. Argüello** (Argentina) said that the right to the use of nuclear energy for peaceful purposes had existed before the Treaty and was an essential part of the understanding that had allowed its adoption. Any attempt to redefine the balance of the obligations contained in the Treaty or to question the right enshrined in article IV would undermine the non-proliferation regime. Argentina was convinced of the benefits of peaceful nuclear technology and had acquired considerable experience in that area. His delegation wished to see further measures to promote the exchange of nuclear technology for peaceful purposes. The Agency had special responsibility for promoting technical cooperation and maintaining safeguards. It should maintain a balance between those functions and should be adequately funded and staffed.

56. Recent attempts to redefine article IV of the Treaty were unhelpful. Instead, non-proliferation should be upheld through the rational application of existing regulations. Nuclear safeguards mechanisms had shown their effectiveness over the years. At the same time, there remained a risk that the current system could be abused for the development of nuclear weapons. In such cases, the international community should consider measures to impose sanctions, or to suspend or restrict cooperation. Argentina would not cooperate on nuclear technology with any State that failed to comply with its obligations under the Treaty and safeguards agreements. It was essential to implement responsible policies for the export of nuclear materials and to ensure greater transparency in the monitoring of such exports. Nor should nuclear trade be affected by measures of a non-technical nature. The international community must uphold non-proliferation standards and reaffirm article IV of the Treaty.

The meeting rose at 6 p.m.

2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Main Committee III

Summary record of the 2nd meeting
Held at Headquarters, New York, on Tuesday, 11 May 2010, at 10 a.m.

Chairman: Mr. Nakane ..... (Japan)

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General exchange of views (*continued*)

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10-35758 (E)

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The meeting was called to order at 10.25 a.m.

General exchange of views (*continued*)

1. **Ms. Pokhval'ona** (Ukraine), recalling the inalienable right of States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to develop research, production and use of nuclear energy for peaceful purposes without discrimination, said that States should have unfettered access to such energy, which was important for sustainable socio-economic development, provided that they complied with the full scope of safeguards applied by the International Atomic Energy Agency (IAEA). It was crucial to ensure adequate, predictable financing for the IAEA Technical Cooperation Programme, as it played an important role in the application of nuclear energy for peaceful purposes.

2. States should take bold steps to ensure that nuclear energy was used in such a way as to reduce proliferation risks, in accordance with the highest international standards of safety and security. Ukraine was committed to doing its part: at the Nuclear Security Summit recently held in Washington, D.C., her Government had announced its decision to eliminate its national stocks of highly enriched uranium by 2012, provided it received sufficient international assistance. That decision also demonstrated Ukraine's commitment to implementation of Security Council resolution 1887 (2009).

3. It was important to continue international cooperation with a view to strengthening nuclear security, safe waste management, radiological protection and civil nuclear liability. She called on States that had not yet done so to accede to and implement all relevant IAEA conventions without delay. Ensuring the nuclear fuel supply was a complex process, with many technical, legal, commercial and economic implications. The benefits of multilateral approaches to the nuclear fuel cycle were clear; however, assurance mechanisms should not distort the existing market. At the same time, such mechanisms should address the right to peaceful uses of nuclear energy by providing nuclear fuel supply security for countries developing a nuclear programme in the best safety, security and non-proliferation conditions. Initiatives such as the establishment of a low-enriched uranium bank under the authority of IAEA could provide back-up mechanisms for interested States and facilitate lasting multilateral solutions to the growing need for nuclear fuel and related services while minimizing the risk of proliferation. She urged the IAEA Board of Governors to agree on measures to that end and welcomed the recent agreement between IAEA and the Russian Federation to establish a reserve of low-enriched uranium for supply to IAEA to be located at the International Uranium Enrichment Centre in Angarsk, Russian Federation.

4. **Mr. Kashout** (Libyan Arab Jamahiriya) said that his country attached particular importance to the inalienable right of States parties to the Treaty to develop, produce and use nuclear energy for peaceful purposes, in accordance with the Treaty and the IAEA Statute. Concerns over nuclear proliferation thus should not interfere with the exercise of that right. Developed countries must not impose conditions or restrictions on the transfer of nuclear materials, technology or knowledge for peaceful purposes to non-nuclear-weapon States that were parties to the Treaty and that had concluded comprehensive safeguards agreements with IAEA.

5. The Agency was the sole authority responsible for verifying compliance with Treaty obligations and comprehensive safeguards agreements. In order for the Agency to have a truly international character, its inspection and verification mandate must be extended to include all States, whether nuclear or non-nuclear.

6. The Agency should pursue in a balanced manner its objective of accelerating and enlarging the contribution of atomic energy to peace, health and prosperity throughout the world. Therefore, technical cooperation and assistance provided by the Agency must not be subject to political, military or economic conditions beyond those specified in the IAEA Statute. Similarly, no new standards or guidelines for the selection of technical cooperation projects should be added, as the existing standards were effective. Nothing in the Treaty forbade the transfer or use of nuclear materials or equipment for peaceful purposes, as long as they were placed under IAEA safeguards. The various technical, legal, commercial and economic dimensions of the proposal to ensure access to nuclear fuel supply would require in-depth consideration and transparent negotiation.

7. IAEA must participate in developing international safety and security standards for the benefit of each State, without hindering the peaceful use of nuclear energy, particularly by developing countries. Libya called on the Agency to suspend its Technical

Cooperation Programme with Israel, a non-State party that had not submitted its nuclear facilities and activities to international monitoring and inspection. It also repudiated the attack or threat of attack on nuclear facilities, given the potential repercussions of such acts on humankind and the environment.

8. The growing number of nuclear weapons and means for their transfer, the increase in fissile material for nuclear weapons, the doctrine of nuclear deterrence, the failure to set a time frame for the destruction of the nuclear-weapon States' arsenals and the policy of double standards were sources of concern. By implementing their nuclear disarmament and non-proliferation commitments, nuclear-weapon States could make a significant contribution to international peace and security and shoulder their responsibility. Moreover, IAEA must be given the necessary authority to carry out its nuclear-disarmament verification mandate.

9. In closing, he affirmed the sovereign right of States parties to withdraw from the Treaty, as enshrined in article X, and denied the validity of any attempt to amend, reinterpret or adopt restrictive measures in respect of that article.

10. **Mr. Park** Chul-min (Republic of Korea) said that promoting the peaceful uses of nuclear energy was critical to ensure the viability and credibility of the Treaty and maintain the delicate balance between its three pillars. The Republic of Korea had significant experience in developing a peaceful nuclear programme, which had fuelled its economic development and become an indispensable part of its energy infrastructure. Recognizing the essential role played by IAEA in promoting the peaceful uses of nuclear energy and the importance of ensuring adequate resources for the Technical Cooperation Fund, his Government would continue to support the Agency's activities by assisting other States in such areas as nuclear power infrastructure and human resources. It would furthermore contribute to the efforts of IAEA to establish a culture of nuclear safety in those countries.

11. The Republic of Korea's support for nuclear research and development was inextricably linked to the maintenance of the highest standards of non-proliferation, safety and security; to that end, his Government was actively involved in a number of relevant international initiatives. Noting the various proposals on multilateral fuel supply assurance schemes presented to the IAEA Board of Governors, he said that addressing the issue of supply security would help to maintain confidence in the Treaty during the current transition to a nuclear renaissance. He welcomed the recent signing of an agreement by IAEA and the Russian Federation to establish a low-enriched uranium reserve in Angarsk, which would provide a test case for efforts to ensure reliable access to nuclear fuel. Due consideration should also be given to the back end of the fuel cycle, including waste management.

12. Although the right of States parties to withdraw from the Treaty should be respected, it was important to recognize that any withdrawal undermined not only the validity of the Treaty, but efforts to achieve its universality. Abuse of States' rights under article X, especially when combined with violations of the Treaty, would be detrimental to the security of all. The withdrawal by the Democratic People's Republic of Korea, combined with blatant violations of the Treaty, was the clearest example of such abuse. In that regard, the Republic of Korea reiterated the importance of reaching a common understanding on the need for an effective response mechanism. The right of withdrawal should be exercised in strict observance of the procedural requirements of the Treaty. States were responsible for any violations of the Treaty prior to their withdrawal and a fall-back safeguards system should be implemented.

13. **Mr. Reyes Rodriguez** (Colombia) said that his Government attached great importance to the outcomes of past Review Conferences. The inalienable right of States parties to the benefits of peaceful applications of nuclear energy helped to maintain a balance between the nuclear-weapon and non-nuclear-weapon States. International cooperation and national capacity-building were crucial given the importance of energy demand as a factor in development. Nuclear technology was also essential to meet the objectives set by the international community regarding environmental protection and the fight against climate change. A safe and fair solution was necessary to allow developing countries access to the nuclear fuel cycle.

14. In order for the technological requirements of States parties to be met in a satisfactory manner, it was imperative to strengthen the financial, human and technical resources of IAEA. The Committee must make recommendations to guarantee access by all States to nuclear technology, at the same time ensuring that such transfers did not result in violations of the non-proliferation regime. He welcomed the announced

contribution by the United States of America towards the work of IAEA and invited other developed countries, especially nuclear-weapon States, to make similar contributions.

15. In order to ensure that the vision of a "nuclear spring" became a reality, IAEA monitoring mechanisms must be given full political support and necessary financial resources. Stressing the need to preserve the integrity of the Treaty, he said that his delegation would oppose any modification of the text of the Treaty, including article X, as well as any attempt to interpret its provisions in a way that weakened the non-proliferation regime.

16. **Mr. Laajava** (Finland) said that public acceptance and international confidence in nuclear safety and security were prerequisites for a successful national nuclear power programme. International cooperation and the sharing of expertise were crucial in that regard. Finland, as a small country that had enjoyed the benefits of nuclear energy since the 1970s, had a good safety record and excellent performance indicators. His Government had recently approved in principle the construction of additional nuclear power plant units and of an extended final disposal repository for spent nuclear fuel generated in Finland. Finland would thus make a dramatic shift towards carbon-emission-free energy production, while ensuring its self-sufficiency in electricity production for the first time in several decades.

17. Nations wishing to develop peaceful uses of nuclear energy must consider the issue of nuclear waste management from the start. A plan for the final disposal of spent nuclear fuel and nuclear waste, as well as the financing of such activities, was crucial. In Finland's case, the policy on spent nuclear fuel management was adopted in 1983. Final disposal of spent nuclear fuel would start by 2020, with all waste management and decommissioning costs being covered by nuclear power companies, rather than by the Government. The unique nature of the final disposal facility in the nuclear power industry had prompted IAEA to develop a specific safeguards approach. The new integrated safeguards system allowed the Agency to make optimal use of all the information available to it, while Finland's experience in implementing State-level safeguards had enabled it to achieve increased efficiency.

18. Finland's energy policy also strongly emphasized renewable energy, such as wind and bioenergy. His Government was a party to all relevant international instruments and informal arrangements on nuclear safety, security and non-proliferation, and actively participated in the development of related international standards and guidelines, particularly within the framework of IAEA. Finland had benefited from the advisory services of IAEA and several safety peer review missions had been conducted on its territory; he encouraged other States to do the same.

19. **Ms. Briza** (Algeria) said that the Review Conference should take steps to protect and promote the inalienable right of States parties to peaceful applications of nuclear energy, including by adopting practical measures to facilitate access to and cooperation on such applications. Algeria supported the important role played by IAEA, as well as all regional and international initiatives seeking to strengthen and diversify scientific and technical cooperation in that regard. The Conference should adopt recommendations to strengthen the Agency's mandate, particularly in areas relating to peaceful uses of nuclear technology. Obstacles to the full exercise by States parties of their right to develop civil nuclear programmes, regardless of the area of application, must be eliminated, provided that the States parties in question were in compliance with the Treaty and the IAEA safeguards system. Furthermore, the Conference should call on all States that had not yet done so to ratify the amendment to article VI of the IAEA Statute for its immediate entry into force. Indeed, expanding the Board of Governors would strengthen the Agency's credibility and its decision-making process. Lastly, the Review Conference should adopt recommendations to increase the Agency's regular budget for technical and scientific cooperation and should call on donor countries to honour their commitments under article IV of the Treaty by providing further financial support to the work of IAEA.

20. Nuclear energy was as a strategic choice for many countries experiencing growing energy needs. IAEA, which had been asked by some 60 developing countries for assistance in introducing the use of nuclear energy, must be given the necessary resources to be the vector of the nuclear renaissance. At the same time, the proposed multilateral mechanism for nuclear fuel supply should not be designed in such a way that it limited the rights of States to develop a civil nuclear programme. While such proposals could provide opportunities to facilitate access to nuclear energy, particularly for developing countries, discussions should

be held in a spirit of openness and transparency, with a view to reaching consensus solutions that respected the right to benefit from peaceful applications of nuclear energy. In January 2007, Algeria had hosted the High-level African Regional Conference on the contribution of nuclear energy to peace and sustainable development, with the support of IAEA and the African Union. The Final Declaration of Algiers and detailed Plan of Action adopted by the Conference had been submitted to the Committee for its consideration and, it was hoped, its adoption of recommendations to facilitate and accelerate their implementation, particularly through IAEA.

21. **Mr. Kuchinov** (Russian Federation) said that his Government supported States parties' access to the peaceful applications of nuclear energy, as well as increased international cooperation in that area, in order to maintain the necessary balance between the development of peaceful applications and the strengthening of the nuclear non-proliferation regime, particularly the IAEA safeguards system. It actively participated in a number of multilateral cooperation initiatives on peaceful uses of nuclear energy. Nationally, nuclear power had taken on increasing importance: in fact, there were plans to nearly double the share of nuclear power by 2030. The legal, financial and institutional frameworks necessary for such progress had already been established. Currently, the Russian nuclear industry was prepared to supply low- and medium-power reactors to the market and thus contribute to the development of many countries. His Government also had plans to build new nuclear power plants and technologies and had actively cooperated with States parties in that area and others, such as nuclear fuel supply, nuclear security and waste management. Professional training, too, was available to national and international students and specialists, as an essential component of the Russian nuclear energy development programme. The Russian Federation attached great importance to cooperation on peaceful uses of nuclear energy with members of the Commonwealth of Independent States.

22. His Government intended to continue making voluntary contributions to the Technical Cooperation Fund. It was important to retain the existing funding mechanism through contributions by IAEA members in their national currencies, the amount of which was determined on the basis of the United Nations scale of assessments. The Russian Federation worked together with IAEA on projects to develop the economies of the Agency's members, as well as with developing States parties to the Non-Proliferation Treaty. Access to peaceful applications of nuclear energy should be ensured through cooperation, enabling those States to cut costs when starting a national nuclear energy programme and limiting proliferation of sensitive nuclear fuel cycle technology as well. In January 2006, his Government had proposed the establishment of international centres for nuclear fuel cycle services in an effort to develop a global nuclear energy infrastructure: the International Uranium Enrichment Centre in Angarsk was a practical contribution to that goal. It was important to note that the proposal did not infringe on the rights of IAEA member States to develop their own nuclear production capacity, nor had any conditions been set in order for States to receive low-enriched uranium from the guaranteed reserve. Furthermore, the proposal did not conflict with other multilateral nuclear fuel supply assurance mechanisms; the Russian Federation stood ready to cooperate with States parties to the Treaty to advance such initiatives. Several agreements regulating the establishment and use of a guaranteed stock of low-enriched uranium for supply to IAEA for its members had been signed recently by IAEA.

23. As a signatory of the Convention on Nuclear Safety, his Government attached great importance to the safety of nuclear power facilities. In an effort to strengthen safety and security internationally, it had assisted the Republic of Armenia in enhancing safety standards at its nuclear power plant as part of the IAEA Technical Cooperation Programme, and had allocated funds to improve security at the Chernobyl nuclear power plant and to accelerate its decommissioning. The Russian Federation had also ratified the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management and participated in various initiatives under the Convention and IAEA related to waste management. The issue of spent nuclear fuel might best be resolved through multilateral approaches and the provision of integrated services by supplier countries, an approach which had been adopted with several countries.

24. **Mr. Dolfe** (Sweden) said that multilateral nuclear fuel assurances and the work of IAEA in that area should be given high priority. Such assurances, which should remain entirely voluntary as a back-up mechanism, contributed to the goals of increased supply assurance and non-proliferation. As Sweden's

experience had shown, even in the case of a fairly large national nuclear programme, reliance on a well-functioning international market proved more advantageous than initiating costly and uncertain national schemes. While disruptions in the nuclear fuel market had been rare in the past, multilateral nuclear fuel supply mechanisms would be useful, for instance, to ensure supply to States experiencing an unforeseen need for low-enriched uranium. Whether as a back-up reserve or in a more sophisticated form, such mechanisms could play a useful role in contributing to enhanced supply security and to the non-proliferation regime, without infringing on States' rights under the Treaty. In that connection, he drew attention to his delegation's working paper on the potential benefits of such arrangements (NPT/CONF.2010/WP.7) as well as to a working paper by the Vienna Group of Ten (NPT/CONF.2010/WP.18) on approaches to the nuclear fuel cycle.

25. **Ms. Mosley** (New Zealand) said that the issues of nuclear non-proliferation, safety, security and waste management must be addressed when developing peaceful uses of nuclear energy. Nuclear technology must remain accessible to all States parties, but it was crucial to ensure that such technology was managed safely and securely and did not lead to the proliferation of nuclear weapons. Multilateral approaches to the nuclear fuel cycle could provide a cost-effective and viable alternative to the development of nuclear fuel cycle capabilities without affecting States' rights under the Treaty. Assurances should address real needs, including the back end of the fuel cycle; they should furthermore be transparent, independent, inclusive and applied in an equitable manner, using defined criteria in accordance with IAEA safeguards. Any proposal for a multilateral nuclear fuel cycle mechanism should provide for effective physical protection of the associated nuclear material and facilities as well as the highest standards of nuclear, radiation and transport safety and waste management. Her Government acknowledged the primary responsibility of individual States for maintaining the safety of nuclear installations within their territories or under their jurisdiction and the crucial importance of an adequate national technical, human and regulatory infrastructure in waste safety. Welcoming the essential role played by IAEA in improving the global nuclear security framework, she called on all States to improve their national capabilities to detect, deter and disrupt illicit trafficking in nuclear materials throughout their territories and urged those States in a position to do so to work to enhance international partnerships and capacity-building in that area. All States parties involved in commissioning, constructing or planning nuclear power reactors or considering nuclear power programmes should become parties to the Convention on Nuclear Safety without delay. She also urged the application by States parties of IAEA safety standards to improve national nuclear radiation, transport and waste safety infrastructure.

26. International cooperation on safe maritime and other transport of radioactive material needed to be strengthened, including safety and security standards and the provision of timely information on such transport. Effective national and international nuclear liability mechanisms must be established to provide compensation for damages in the event of an incident during the maritime transport of radioactive materials. She welcomed the ongoing work of the Contractors International Group on Nuclear Liability in that regard, as well as the informal discussions on communication between shipping States and relevant coastal States with IAEA involvement, and the ongoing bilateral discussions between relevant shipping and coastal States on issues of mutual concern.

27. **Mr. Fazzam** (Kuwait), noting the importance of nuclear power as a source of energy and the potential benefits of its peaceful applications, reiterated that all States parties had the fundamental right to possess and develop nuclear technology for peaceful purposes without discrimination. In 2009 Kuwait had declared its intent to launch a programme for the peaceful use of nuclear energy, in order to meet growing domestic demand for electricity and water. To that end, a national committee on the peaceful uses of nuclear energy had been established.

28. Kuwait had pledged $10 million to the initiative to establish a nuclear fuel bank under IAEA supervision and was looking forward to a constructive dialogue leading to a consensus on its structure and administration.

29. Echoing the views expressed by other delegations regarding the existence of double standards in the transfer of nuclear materials and technology to non-States parties, he called for the suspension of technical assistance to those States until they acceded to the Treaty as non-nuclear-weapon States and placed their nuclear facilities under IAEA safeguards.

30. **Mr. Wang** Qun (China) said that more and more countries saw nuclear energy as a technically proven, clean, safe and economically competitive source of energy and an important option for meeting energy demands. The promotion of the peaceful uses of nuclear energy and the prevention of nuclear weapons proliferation were mutually complementary and reinforcing. Non-proliferation efforts should, however, not undermine the legitimate right of countries, especially developing countries, to the peaceful uses of nuclear energy.

31. The International Atomic Energy Agency had been providing assistance through technical cooperation to its member States, in accordance with its mandate, in the fields of nuclear power, nuclear safety, waste management and nuclear technology applications through technical cooperation. In that connection, the Technical Cooperation Fund should be supported with adequate resources.

32. Nuclear fuel supply assurances were of great importance in promoting the development of nuclear energy. The various multilateral nuclear supply mechanisms and initiatives involved political, economical, technical and legal factors and should be studied in depth to find a practical way acceptable to all, and meanwhile, the right of the peaceful uses of nuclear energy should not be affected.

33. Enhancing nuclear security was of great significance and all countries bore the responsibility for taking physical protection measures to secure nuclear material and facilities within their respective jurisdictions. The existing international legal framework and international cooperation in that area needed to be strengthened.

34. China had set up a sound nuclear industry and had formulated a mid- and long-term nuclear power development plan, stressing research and development of next-generation technologies and nuclear safety and security in line with international standards. It had acceded to the Convention on Nuclear Safety and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management and had actively provided nuclear security assistance to other developing countries. It had also ratified the Amendment to the Convention on the Physical Protection of Nuclear Material in 2008, and had started the domestic ratification process for the International Convention for the Suppression of Acts of Nuclear Terrorism. China actively supported IAEA activities in the field of nuclear security and had had good cooperation with IAEA and other countries in that field during the Beijing Olympic Games in 2008.

35. At the International Ministerial Conference on Nuclear Energy in the Twenty-first Century, which China had co-sponsored, countries had exchanged views on experiences and future strategies concerning the development of nuclear energy. China had conducted fruitful cooperation with IAEA in nuclear technology, nuclear safety, non-proliferation, and human resources and actively participated in important international cooperation programmes such as the Global Environmental Facility (GEF), the International Thermonuclear Experimental Reactor (ITER) and the Global Nuclear Energy Partnership (GNEP). China had signed agreements on peaceful uses of nuclear energy with more than 20 countries and organizations. Further details on China's views on peaceful uses of nuclear energy could be found in the working paper NPT/CONF.2010/WP.65.

36. **Mr. Naziri** (Islamic Republic of Iran) said that the inalienable right of all States parties to have access to nuclear technology for peaceful purposes without discrimination under article IV of the Treaty emanated from the fact that scientific and technological achievements were the common heritage of humanity and from the need for balance between rights and obligations, which provided incentives for membership and compliance. The right to peaceful use was even more important given the increasing application of nuclear energy and technologies in the fields of human health, medicine, industry, agriculture, environmental protection and sustainable economic development, especially in the developing world.

37. The International Atomic Energy Agency played a fundamental role in the promotion of nuclear energy for peaceful purposes, but it continued to face shortages in resources as well as restrictions imposed by some States. For example, the funding for IAEA technical cooperation was based on voluntary contributions, which were unpredictable and subject to political motivations. In the view of his delegation, IAEA technical cooperation, like its safeguards activities, should be funded from the regular budget. Iran was ready to cooperate fully with countries in the region to hold technical workshops and seminars and to transfer related nuclear medical materials under the auspices of IAEA.

38. It was a matter of deep concern that the existing export control regimes, which operated in a non-transparent and arbitrary manner, continued to create undue restrictions on the transfer of nuclear materials, equipment and technologies for the peaceful uses, in contravention of the letter and the spirit of the Treaty. Iran therefore called for the establishment of a mechanism within the framework of the review process to address the challenges facing the implementation of article IV.

39. Another source of serious concern was the fact that countries outside the Treaty were given preferential treatment in nuclear trade. The Nuclear Supplier Group was an exclusive and non-transparent export control regime that claimed to have been established to strengthen the non-proliferation regime, but had damaged the credibility of the Treaty by adopting its infamous decision in September 2008 in total defiance of paragraph 12 of the 1995 Review and Extension Conference's decision 2 entitled "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", calling for acceptance of the Agency's full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons as a necessary precondition for any new supply arrangements.

40. In the view of his delegation, the inalienable right of States parties to peaceful uses included all aspects of nuclear technologies, including the fuel cycle. Article IV stated: "Nothing in the Treaty shall be interpreted as affecting the inalienable rights of all the Parties to the Treaty to develop nuclear research, production and use of nuclear energy for peaceful purposes ..." There were also no provisions in the IAEA Statute, the Comprehensive Safeguards Agreement or even the Additional Protocol prohibiting or restricting the rights of the States parties to enrichment and reprocessing activities. The 2000 Review Conference had confirmed that each country's choices and decisions in the field of the peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel-cycle policies.

41. On the issue of multilateral approaches to the fuel cycle and assurances of nuclear fuel supply, Iran shared the view of the Movement of Non-Aligned Countries that that issue was very complex and multidimensional and had technical, legal, commercial and economic implications that would have to be considered extensively before a consensus could be reached. With regard to nuclear safety and security, under its Act on Radiation Protection, Iran had established a national regulatory body to ensure the safety and security of its peaceful nuclear facilities. Safety and security were national responsibilities, and IAEA should play the key role in the development of international nuclear safety and security standards.

42. It remained the legitimate expectation of developing countries that the right to peaceful uses of nuclear energy, a fundamental pillar of the Treaty spelled out in article IV, should be realized. With the increasing gap between developing and developed countries in the use of nuclear energy for peaceful purposes, the 2010 Review Conference should take concrete steps to achieve that goal.

43. In that connection, Iran had made a number of recommendations that it would like to see reflected in the Committee's report. The inalienable right of all States parties to develop research and use nuclear energy for peaceful purposes without any discrimination should be reaffirmed and each country's choices and decisions in the field of peaceful uses of nuclear energy respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel-cycle policies. It must also be emphasized that full implementation of article IV was essential for realizing the object and purposes of the Treaty and that any interpretation that would affect the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination must be rejected. The IAEA Technical Cooperation Fund should have predictable, secured funding sufficient to enable the Agency to respond to the ever-increasing need of developing countries for nuclear energy for peaceful purposes. The developed countries must therefore fulfil their commitment to assist in the development of nuclear energy by developing countries by facilitating their participation in the fullest possible exchange of nuclear equipment, materials and scientific and technological information for peaceful purposes. The Treaty did not prohibit the transfer or use of nuclear equipment or material for peaceful purposes based on their "sensitivity" and only stipulated that such equipment and material must be subject to full-scope IAEA safeguards. The strengthening of IAEA

safeguards should not adversely affect the resources available for technical assistance and cooperation. Safeguards should be implemented in a manner designed to comply with article IV of the Treaty without hampering the economic or technological development of the States parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use and production of nuclear material for peaceful purposes. Restrictions and limitations on the transfer of nuclear materials, equipment and technologies for peaceful uses would hamper the access of developing countries to nuclear materials, equipment and technologies for peaceful purposes; restrictions and limitations posed in contravention of the letter and the spirit of the Treaty should therefore be removed. A Standing Committee, consisting of qualified governmental individuals from the States parties members of the Bureau of the previous Review Conference should be established to consider cases of transfer denials upon request by concerned States Parties and take appropriate decisions. Lastly, the 1995 NPT Review Conference decision that "new supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require, as a necessary precondition, acceptance of the Agency's full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices" should be reaffirmed.

44. **Mr. Al-Bayati** (Iraq), referring to Iraq's working paper on article IV of the Treaty (NPT/CONF.2010/WP.59), said that his Government affirmed the inalienable right of States to use nuclear energy for peaceful purposes and to obtain and transfer nuclear technology without discrimination and without the imposition of any obstacles, binding conditions or selective restrictions. It also emphasized the role of IAEA in assisting States parties, in particular developing countries, to develop the peaceful uses of nuclear energy and urged it to redouble its efforts to that end. In that connection, he welcomed the recent remarks of the Director General of IAEA regarding its readiness to assist interested countries in establishing a nuclear infrastructure. In such cases the Agency's safety standards must be applied in order to avoid nuclear accidents. He also welcomed the recent pledge by the United States of America to contributed $50 million to the Technical Cooperation Fund over the next five years.

45. While his country supported efforts to achieve the universality of the IAEA safeguards system, it stressed that additional protocols, being a voluntary measure, could not be considered a precondition for the import of nuclear energy for peaceful purposes. Iraq also supported the IAEA initiative to establish a low enriched uranium bank, provided all the necessary assurances were given that States would retain their right to the peaceful use of nuclear energy, as well as their rights to enrich uranium and to obtain advanced technology and enriched uranium without discrimination and at fair prices.

46. With regard to security assurances on the peaceful use of nuclear energy, States should consult neighbouring countries when establishing nuclear plants, and should make arrangements between themselves, under the supervision of IAEA and the relevant regional and international environmental agencies, to ensure that negative impacts on human beings and the environment would be limited. Consideration must be given to border population clusters, international water courses and surface and groundwater sources when waste was disposed of or outdated technology was used that could lead to pollution. Nuclear safety standards and requirements must be observed when designing and building nuclear installations, because harmful radiation leaks ignored borders and had disastrous impacts on human beings and the environment.

47. **Mr. Canchola** (Mexico) said that a result of the so-called nuclear renaissance should be to strengthen the international nuclear regime that had been built over the past six decades. The International Atomic Energy Agency should occupy a central place in that scheme, as the implementing mechanism, which would only be possible by strengthening the Agency's authority and capabilities.

48. The international nuclear non-proliferation regime should be strengthened only by implementing its current provisions, not by reinterpreting them. The Non-Proliferation Treaty, unlike most instruments of international law, had not made adequate progress in moving from codification to implementation. Mexico had therefore joined the other sponsors in submitting NPT/CONF.2010/WP.4, containing proposals aimed at

strengthening implementation. The IAEA Statute and international instruments on nuclear issues, including non-proliferation, contained the elements needed to promote and ensure the peaceful use of nuclear energy and to penalize any violations.

49. Efforts to strengthen the Agency as the guarantor of the peaceful use of nuclear energy should emphasize the technical nature of its mandate, recognize the added value of its functions and seek to reinforce its capacities in a comprehensive and orderly manner, bearing in mind the role played by IAEA in other parts of the United Nations system, especially the Security Council, and the various initiatives to support non-proliferation and IAEA technical assistance. His delegation also wished in that connection to stress the importance of providing the Agency with greater financial resources so that it could properly carry out its mandate.

50. It was the hope of his delegation that the 2010 Review Conference would agree on the following commitments: to reaffirm the content, scope and validity of the provisions of the Treaty, particularly those in article IV; to urge States parties to comply fully with their obligations under the Treaty; to emphasize the importance of implementing IAEA safeguards as the standard for compliance with the provisions of the Treaty; to encourage the signature and/or ratification of the Convention for the Suppression of Acts of Nuclear Terrorism, as well as the Amendment to the Convention on the Physical Protection of Nuclear Material; to reaffirm the central role of the International Atomic Energy Agency in the international nuclear regime; and to strengthen adequately the capacities of the Agency.

51. **Mr. Kongstad** (Norway) said that, although it was the inalienable right of all States parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Treaty, there had been too much focus on the possible constraining nature of much-needed non-proliferation steps, in particular in discussions of international cooperative efforts on the nuclear fuel cycle. The development of fuel assurances made it possible for newcomers to nuclear energy to benefit from that energy source without the costly investments in fuel production. The German and Russian proposals for fuel cooperative arrangements represented a way of reconciling peaceful uses of nuclear energy with collective non-proliferation concerns.

52. The "nuclear renaissance" posed challenges to the non-proliferation regime, human safety and the environment. Countries pursuing nuclear energy production must apply the highest security and safety standards and uphold its non-proliferation obligations. Norway urged all States parties to sign, ratify and implement the Amendment to the Convention on the Physical Protection of Nuclear Material, the Convention on Nuclear Safety and other relevant IAEA instruments. Transport of nuclear material must also be given greater attention, especially given the prospects for growing international cooperation on the front and back ends of the fuel cycle.

53. Implementation of non-proliferation measures such as the IAEA Comprehensive Safeguards Agreement and the Additional Protocol would foster confidence and facilitate full implementation of article IV of the Treaty. It should also be remembered that civilian nuclear cooperation covered not just nuclear energy but also other peaceful applications relating to the improvement of health, food security, water management and environmental monitoring. However, implementation of non-proliferation commitments must be the precondition for cooperation and assistance in peaceful uses. Another area of activity that would increase trust and confidence and strengthen nuclear security was the continued reduction in the use of high enriched uranium fuel in nuclear reactors and the progressive conversion of military stocks of high enriched uranium to low enriched and the placement of military stocks under IAEA safeguards.

54. **Mr. Salam** (Lebanon), speaking on behalf of the Arab Group and referring to its working paper (NPT/CONF.2010/WP.30), said that by granting non-nuclear-weapon States the inalienable right to benefit from the peaceful uses of nuclear technology, the Non-Proliferation Treaty had struck a balance that had motivated many countries to accede to it. Indeed, the balance between nuclear non-proliferation and disarmament on the one hand, and peaceful use of nuclear energy on the other, had made the Treaty the linchpin of the non-proliferation regime. The Treaty provided that all States parties were entitled to conduct research and exchange scientific information in order to develop the peaceful applications of nuclear technology, and that none of its provisions were to be interpreted as affecting States parties' rights in that

regard. However, certain States parties to the Treaty had modified their export policy in order to restrict the transfer of knowledge and technology to developing States parties. Moreover, the provision of technical assistance on nuclear issues to non-States parties by certain exporting States indicated the existence of double standards and contravened the Treaty and decision 2 adopted at the 1995 Review and Extension Conference, which stipulated that new supply arrangements for the transfer of nuclear materials should require acceptance of the Agency's full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

55. At its 2007 and 2008 ordinary sessions, the League of Arab States had adopted two significant resolutions on the exercise by Arab States of the right to use nuclear technology for peaceful purposes. In 2009, the League had adopted the Arab Strategy for the Peaceful Uses of Nuclear Energy until 2020. In exercise of their rights as parties to the Treaty, a number of Arab States planned to increase their use of nuclear technologies in all areas that would promote sustainable development. Taking note of the initiatives of certain parties regarding the supply of nuclear fuel, the Arab Group strongly rejected any attempt to dissuade States parties from developing or obtaining nuclear technology for peaceful purposes.

56. The Arab States were fully committed to adherence to all international instruments to which they were parties, and to cooperation with the relevant international agencies, chief among them IAEA, which had a prominent role in helping developing States parties to improve their scientific and technological capabilities in terms of the peaceful use of nuclear energy.

57. In that context, the Arab Group stressed the following principled positions. First, any attempt to interpret the Treaty in a manner that restricted the inalienable right of all States parties to possess and develop nuclear technology for peaceful purposes was unacceptable. Second, IAEA comprehensive safeguards agreements were the legal framework and standard for verifying the peaceful use of nuclear energy, whereas additional protocols to such agreements were voluntary and non-binding. Third, no new commitments for non-nuclear-weapon States could be accepted until genuine progress was made towards achieving universality of the Treaty, nuclear disarmament and State party compliance with all current commitments, in particular, implementation of the resolution on the Middle East adopted at the 1995 Review and Extension Conference. Fourth, IAEA, as the sole authority responsible for verifying implementation of comprehensive safeguards agreements, must maintain its neutrality, in conformity with its Statute. Fifth, the Arab States called on the Agency to halt all technical cooperation with Israel until the latter acceded to the Treaty as a non-nuclear-weapon State and placed all its nuclear facilities under IAEA safeguards. Sixth, the Arab States rejected attacks and the threat of attacks against nuclear facilities, as such actions undermined international law and threatened international peace and security.

58. **Mr. Ali** (Syrian Arab Republic) said that upholding the inalienable right of all States parties to develop, research and benefit from the peaceful applications of nuclear energy was one of the fundamental objectives of the Non-Proliferation Treaty. In that respect, the Syrian Arab Republic expressed alarm at the continued imposition of restrictions on the export of materials and equipment for use in peaceful atomic energy programmes to developing non-nuclear-weapon States that were parties to the Treaty and that had concluded comprehensive safeguards agreements with IAEA. Such restrictions hindered development projects in those countries. Syria rejected any attempt by States parties to use the IAEA Technical Cooperation Programme as a means to achieve political ends, since such acts constituted a violation of the Treaty and of the Agency's mission.

59. His Government recognized the Agency's important role in assisting developed and developing States parties, and in particular, in accelerating socio-economic development projects, in accordance with its Statute. Financial and human resources must be provided and a detailed programme and strategy that addressed the needs of developing States must be put in place in order to maintain a sustainable Technical Cooperation Programme.

60. Certain nuclear-weapon States continued to contravene their Treaty obligations by supplying Israel with all the materials, equipment and technology to develop its nuclear arsenal, a matter of grave concern. Arrangements to monitor the Treaty regime must be characterized by complete transparency and be devoid of double standards.

61. Noting that the continued existence of Israeli nuclear arsenals outside the Treaty regime posed a threat to the safety, security and stability of the peoples of the region, he urged the international community, in particular the nuclear-weapon States, to adopt serious measures to redress that major imbalance in the non-proliferation regime.

62. In order to bolster the Treaty's effectiveness and credibility, the Review Conference must intensify efforts to protect the right of States parties to use nuclear technology for peaceful purposes and to preserve the delicate balance between the rights and the responsibilities stipulated by the Treaty. Syria hoped that the outcome document would contain clear references to the following points. First, nuclear-weapon States must commit fully to halting all support for Israel's internationally illegitimate development of nuclear weapons. Second, any reinterpretation of Treaty provisions in a manner that would run counter to its spirit and purpose must be avoided, and the balance between nuclear-weapon and non-nuclear-weapon States must be maintained. Third, countries must not impose restrictions or otherwise hinder the legitimate right of States parties to benefit from the peaceful applications of atomic energy, and the politicization of the work of IAEA must be prevented. If those recommendations went unheeded and the current policy of selectivity were to persist, the nuclear non-proliferation regime would face an uncertain future mired in chaos.

63. The demand by certain nuclear-weapon States to impose harsh restrictions on the right to withdrawal from the Treaty, which was stipulated in its article X, was the most glaring example of double standards, particularly in light of the unstinting provision of nuclear assistance by some nuclear-weapon States to Israel, which had developed military nuclear capabilities outside international supervision. Any amendment to the provisions of article X must be avoided, as must any attempt to adopt new measures in respect of withdrawal.

64. **Mr. Baddoura** (Lebanon) said that part of the "magic formula" holding the Treaty together and giving it consistency and meaning was the inalienable right, guaranteed to non-nuclear-weapon States in article IV of the Treaty, to benefit fully from the peaceful uses of nuclear energy in exchange for giving up their nuclear weapons option. Lebanon had placed its modest nuclear activities under the IAEA safeguards and verification regime and relied on the Technical Cooperation Programme in areas such as health, agriculture, water resources and research. Lebanon had ratified almost all relevant international instruments and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management would soon be ratified.

65. All indicators pointed towards heavier reliance on nuclear energy and nuclear power in the future, which warranted a greater emphasis on the inalienable right to peaceful uses of nuclear technology, especially for developing countries. His delegation cautioned against initiatives or developments that could, if not carefully and multilaterally guided, undermine that right.

66. States parties should avoid any action that could upset the balance between the three pillars of the Treaty or that sought to reorder IAEA priorities as enshrined in its Statute that might reduce its technical cooperation activities. In that regard, Lebanon echoed the call of many other delegations for a renewed commitment to a sufficient, assured and predictable financing of technical cooperation in IAEA. While Lebanon recognized that each right, including the right to peaceful use, entailed some duties, care should be taken not to blur the frontiers between what was legally binding on States parties, what was voluntarily agreed to by them, and what could seem desirable as confidence-building measures. Non-proliferation concerns were of the utmost importance, but they should not lead to undue or unjustifiable restrictions on the export of nuclear material or nuclear technology to developing countries. The issue of nuclear fuel supply assurances or, more broadly, the multilateralization of the fuel cycle, merited serious study, as hasty introduction of such complex arrangements might only create more problems.

67. **Ms. Mourabit** (Morocco) said that the current global context, with its new socio-economic realities, continued population growth, climate change and rising fossil fuel costs, had a strong impact on global demand for energy and electricity. Nuclear energy produced for peaceful purposes had therefore become an urgent need for all countries seeking to ensure their economic and social development.

68. Although many delegations had affirmed the inalienable right to peaceful use of nuclear cooperation, others had stressed the link between access to nuclear energy and the risks of nuclear

proliferation. There was a danger in systematizing such a link, however; it could deepen divisions between nuclear and non-nuclear States. Solutions to such proliferation risks could be found in the generalized system of International Atomic Energy Agency safeguards and additional protocols. All States parties to the Non-Proliferation Treaty, including non-nuclear States, had pledged to avoid all risks of proliferation and to contribute to strengthening the non-proliferation regime.

69. Peaceful, transparent and responsible use of nuclear energy would contribute to economic and social development. Strengthening the nuclear non-proliferation regime should not pose new barriers to the promotion of international cooperation and transfer of nuclear technology for peaceful purposes. The role of IAEA in assisting developing countries and in promoting access to peaceful uses of nuclear energy should be strengthened, and States parties with science programmes including nuclear technology should cooperate with developing countries in need of nuclear applications, particularly in the areas of health, agriculture and energy.

70. **Mr. Khaer Ibrahim** (Malaysia) said that IAEA must be equipped with sufficient, assured and predictable resources so as to maintain its technical cooperation activities, in particular the transfer of nuclear technology to States pursuing peaceful uses of nuclear energy. Such programmes should continue to be developed in a professional, impartial and non-discriminatory manner, in line with the IAEA Statute. Malaysia strongly believed that current guidelines and criteria as set out in INFCIRC/267 for the screening of project proposals, programme implementation and subsequent evaluation, were sufficient and effective.

71. Under the Treaty, States parties were entitled to have access to nuclear technology in a non-discriminatory manner. The Treaty also provided for the exchange of nuclear knowledge and scientific information and for cooperation among States to develop the peaceful uses of nuclear energy, which benefited participants in the fields of energy, food, water security and health care, as well as environmental preservation. Malaysia was one of the sponsors of the working paper submitted by Japan on strengthening the technical cooperation activities of IAEA (NPT/CONF.2010/WP.13).

72. Malaysia wished to explore the possibilities offered by assurances of nuclear fuel supply and called for the establishment of an open-ended working group to discuss the matter in detail. Nuclear fuel and fuel services must be made available under the IAEA Statute to all States parties that were in full compliance with their non-proliferation commitments under IAEA safeguards mechanisms, and with the exclusive verification of compliance by IAEA. However, Malaysia was concerned at the denials of transfer of nuclear technology, material and equipment, especially to developing countries, which adversely affected progress in medical technology and health-care applications. Malaysia welcomed the efforts of the International Steering Committee on Denials and Delays of Shipment of Radioactive Material to address that growing concern.

The meeting rose at 1.10 p.m.